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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,458	01/23/2002	Christopher Pasqualino	13316US02	1287
23446	7590	04/20/2006	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			WONG, WARNER	
			ART UNIT	PAPER NUMBER
			2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/057,458	<b>Applicant(s)</b> PASQUALINO, CHRISTOPHER	
	<b>Examiner</b> Warner Wong	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

The following claims are objected to because of the following informalities:

1. Claims 1-5: the claims should have been withdrawn, as noted on page 1 of the applicant's remarks.
2. Claim 13, line 2: the limitation "VYSNC" is misspelled. It should be corrected to "VSYNC".
3. Claim 20: lines 3 & 5: the phrase "adapted to" is used in two instances. Such language suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. See MPEP 2111.04.

Appropriate correction is required.<sup>1</sup>

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6-11 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (WO 00/14626).

**Regarding claim 6**, Martin describes a method of communicating data over a communications link comprising shortening a blanking period in the data to

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accommodate auxiliary data (pp. 8-9, where auxiliary data is communicated/transferred over the twisted pairs (communication link) during the rest of the blanking period).

**Regarding claim 7**, Martin describes modifying a HSYNC signal in the data to accommodate the auxiliary data (pp. 8-9, where the horizontal blanking period which is used for synchronizing the next line (HSYNC) is modified to accommodate peripheral (auxiliary) data).

**Regarding claim 8**, Martin describes that the auxiliary data may be audio data (p. 8, peripheral digital data from audio speakers).

**Regarding claim 9**, Martin describes that the communication link is a digital communication link (p. 8, receiving incoming digital data from a number of peripherals).

**Regarding claim 10**, Martin describes modifying a VSYNC signal in all frames in which the auxiliary data is to be transmitted (p. 8-9, where the vertical blanking period which is used for synchronizing the next frames (VSYNC) are modified to accommodate peripheral (auxiliary) data).

**Regarding claim 11**, Martin describes inserting a notch in all said VSYNC signals (p. 10 & fig. 6, where during (each) vertical blanking period which is used for synchronizing the next frames (VSYNC signal), a start blanking pulse STARTBLANK (notch) is inserted during the period).

**Regarding claim 20**, Martin describes a system for communicating data and auxiliary data over a video communications link (fig. 5), comprising:

a reformatter (fig. 5, 420);

a transmitter communicating with said reformatter (fig. 5, 406).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin.

**Regarding claim 12**, Martin fails to describe that inserting the notch includes inserting an 8 clock cycle pulse into said VSYNC signals.

However, inserting a notch of 8 clock cycle pulse which is considered to be optimal for audio packets of DVI-CE standard (applicant specification, paragraphs 72-73) present no new or unexpected results with other lengths to for audio/auxiliary packets, so long as the packet is being accordingly transmitted and processed in a successful way.

Therefore, it would have been obvious to one with ordinary skill in the art at the time of invention by applicant to modify the invention of Martin to insert an 8 clock cycle notch into said VSYNC signals to obtain the invention as specified in claim 12.

**Regarding claim 13**, Martin fails to describe that the notch is inserted into said VSYNC signals 8 clock pulses after a first edge of said VSYNC signals.

However, inserting a notch 8 clock pulses after the first edge of the VSYNC signal (applicant specification, paragraphs 72-73) present no new or unexpected results

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with other timeframes to insert the notch (for audio/auxiliary packets), so long as the packet is being accordingly transmitted and processed in a successful way.

Therefore, it would have been obvious to one with ordinary skill in the art at the time of invention by applicant to modify the invention of Martin to insert a notch 8 clock cycle pulses after the first edge of the VSYNC signal to obtain the invention as specified in claim 12.

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin as applied to claim 10 above, and further in view of Kim (6,870,930).

**Regarding claim 14**, Martin describes all limitations set forth in claim 10.

Martin lacks what Kim describes: adapting control signals (col. 9, lines 12-16) to be compliant with the HDCP (content protection) standard (col. 9, lines 37-64, where the control signals sent during DE low period are corrupted according to the DE corruption protocol which complies with HDCP.)

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to adapt (secure) the video control signals to a content protection standard. The motivation being that "There is [also] a need for secure communication as a result of increase value of the communicated content [control signals] and the increased likelihood that communicated content will be copied or altered", Kim, col. 1, lines 30-34).

**Regarding claim 15**, Martin and Kim describe all limitations set forth in claim 14.

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Martin fails to describe that the control signal is transmitted while in the blank period when the auxiliary data is transmitted.

Kim describes that the control signal is transmitted while in the blank period [when the auxiliary data is transmitted] (col. 9, lines 37-64).

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to transmit the control signal while in the blanking period also. The motivation being that "There is [also] a need for secure communication as a result of increase value of the communicated content [control signals] and the increased likelihood that communicated content will be copied or altered", Kim, col. 1, lines 30-34).

**Regarding claim 16**, Martin and Kim describe all limitations set forth in claim 14.

Martin fails to describe that the control signal is ctl3.

Kim further describes that (one of the) control signals is ctl3 (col. 9, lines 15, control[3]).

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to transmit the control signal ctl3 while in the blanking period also. The motivation being that "There is [also] a need for secure communication as a result of increase value of the communicated content [control signals] and the increased likelihood that communicated content will be copied or altered", Kim, col. 1, lines 30-34).

**Regarding claim 17**, Martin and Kim describe all limitations set forth in claim 14.

Martin fails to describe that the content protection standard comprises a High bandwidth Digital Content Protection (HDCP) standard.

Kim describes that the content protection standard comprises a High

bandwidth Digital Content Protection (HDCP) standard (col. 9, line 64).

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to transmit signals using HDCP standard. The motivation being that "There is [also] a need for secure communication as a result of increase value of the communicated content and the increased likelihood that communicated content will be copied or altered", Kim, col. 1, lines 30-34).

**Regarding claim 18**, Martin fails to describe adapting the control signal comprises generating a ctl3 input using at least one VSYNC signal.

Kim describes adapting the control signal comprises generating a ctl3 input using at least one VSYNC signal (col. 9, lines 12-16, where control[3] (ctl3) signal is generated & sent during the low (blanking) periods in tandem with (using) VSYNC signals).

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to transmit the control signal ctl3 when the synchronization (VSYNC) signals are also transmitted in the blanking period. The motivation being that "There is [also] a need for secure communication as a result of increase value of the communicated content [ctl3 signals] and the increased likelihood that communicated content will be copied or altered", Kim, col. 1, lines 30-34).

**Regarding claim 19**, Martin fails to explicitly describe ensuring that the ctl3 input is a positive going pulse.



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However, whether if ctl3 is a positive or negative going pulse present no new or unexpected results, so long as the adaptation of the control signal signifies the processing in a successful way.

Therefore, it would have been obvious to one with ordinary skill in the art at the time of invention by applicant to modify the invention of Martin explicitly describe that the ctl3 input is a positive going pulse to obtain the invention as specified in claim 19.

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 5-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Warner Wong whose telephone number is 571-272-8197. The examiner can normally be reached on 5:30AM - 2:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Warner Wong  
Examiner  
Art Unit 2616

WW

  
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Primary Examiner